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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FUTURE COMMUNICATIONS  
CORPORATION OF NEW YORK d/b/a  
VIRTUAL SERVICE,

Plaintiff/Counterclaim-  
Defendant,

vs.

AMERICAN SECURITY SYSTEMS, INC., and  
LAWRENCE T. DOLIN,

Defendants/Counterclaim-  
Plaintiffs.

Case No.: Civil Action No. 08 CV 01997 (JGK)

**NOTICE OF MOTION FOR SUMMARY  
JUDGMENT**

**PLEASE TAKE NOTICE** that, pursuant to a conference held on April 15, 2008, an Order by Hon. John G. Koeltl dated April 15, 2008, and an Order by Hon. John G. Koeltl dated May 2, 2008, Defendants American Security Systems, Inc. and Lawrence T. Dolin (“Defendants”) hereby move for summary judgment seeking dismissal of all counts in the First Amended Complaint of Plaintiff Future Communications Corporation of New York d/b/a Virtual Service (“Plaintiff”), a declaration that the term “virtual doorman” is a generic term not entitled to trademark protection, and directing the United States Patent and Trademark Office to refuse

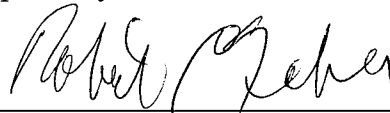
registration of Plaintiff's application to register the generic term "virtual doorman" as a trademark.

This Motion is made on the grounds that the overwhelming and incontrovertible evidence shows widespread non-trademark use of the generic term "virtual doorman" in the parties' industry prior to the time Plaintiff claims to have adopted the generic term as its proprietary trademark and continued generic use in the industry, in print, online and other publicly accessible to date. As a result, the term "virtual doorman" is generic, and there is no genuine issue as to any material fact as to that. Summary judgment therefore is warranted as a matter of law, pursuant to Federal Rule of Civil Procedure 56.

This Motion is based upon this Notice of Motion; the original Complaint, Answer, reply Pleadings, and First Amended Complaint; the Memorandum of Law attached hereto; the Declaration of Sean P. McMahon with attached Exhibits of publicly available third party media appearances of the term virtual doorman, submitted in support hereof; and, the Statement of Undisputed Material Facts submitted pursuant to Local Rule 56.1.

Dated: May 7, 2008  
New York, New York

Respectfully submitted,



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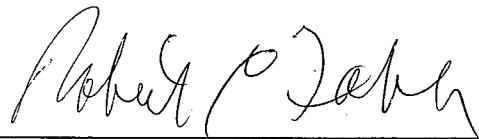
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing **NOTICE OF MOTION FOR SUMMARY JUDGMENT** was served upon counsel for Plaintiff/Counterclaim-Defendant by ECF and First Class mail, postage prepaid, on this 7th day of May, 2008, addressed as follows:

Zeynel Memed Karcioglu  
Zeynel Karcioglu, Esq.  
36 East 20th Street  
New York, New York 10003

A handwritten signature in black ink, appearing to read "Robert C. Faber", is written over a horizontal line.

Robert C. Faber